

OGC 78-565
25 August 1978

OGC Has Reviewed

MEMORANDUM FOR : Director of Central Intelligence
VIA : Deputy Director of Central Intelligence
FROM : Anthony A. Lapham
General Counsel
SUBJECT : Proposed Revision of HR [REDACTED]
REFERENCE : DCI's Notes on 4 Aug DDA Memo Regarding
Approval of HR [REDACTED]

STATINTL

STATINTL

1. Action Requested: It is requested that you review this memorandum which discusses your comments concerning the proposed revision of HR [REDACTED], and approve that revision if you agree with the treatment accorded those comments.

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2. Background: By memorandum of 4 August 1978, you were requested by the Deputy Director for Administration to review and approve a proposed revision of Headquarters Regulation [REDACTED] the rather complex Agency regulation which embodies the many restrictions on intelligence activities which derive from Executive Order 12036 and various Agency policies. In your notes concerning that proposed revision you requested the general approval of this Office and also requested views regarding your comments as to particular provisions of the regulation. Those views follow:

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a. This revision was initiated by the Office of General Counsel following the promulgation of Executive Order 12036 and, consequently, has the general approval of this Office.

b. In paragraph (7) on page 3, you would delete the words "serious or continuing" from the sentence which provides; "Cases involving serious or continuing breaches of security shall be reported to the Director of Security, who shall inform the General Counsel." Your deletion is appropriate in that it would remove an implied limitation on the security breaches which are to be reported to the Director of Security. However, not all such breaches need be conveyed to the General Counsel and Section 1-707 of Executive Order 12036 requires only that "serious or continuing" breaches be reported to the Attorney General by the General Counsel. Thus, we have modified the sentence further to read, "Cases involving breaches of security shall be reported to the Director of Security, who shall inform the General Counsel of serious or continuing breaches."

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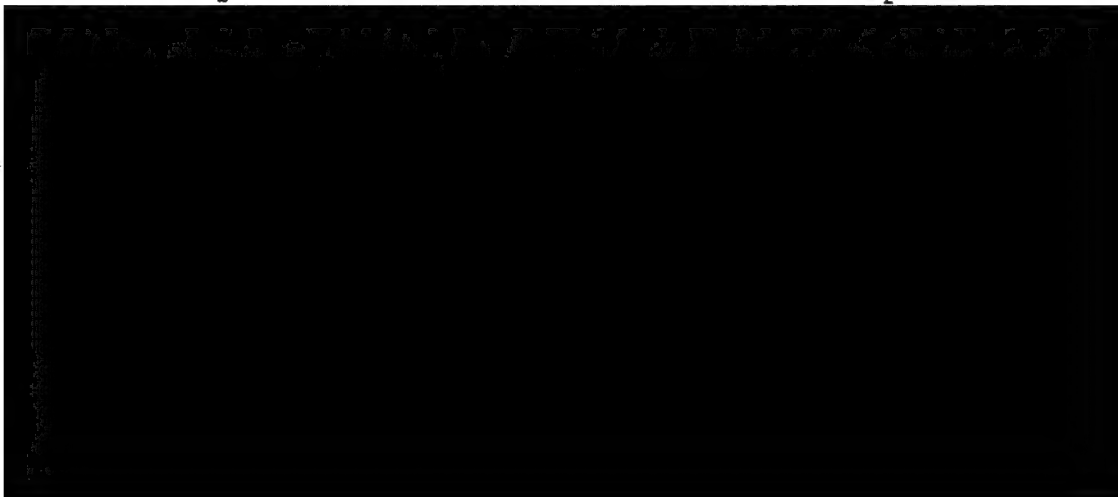
c. You have indicated some doubt regarding the elaborative sentence in paragraph (3) on page 4 which explains that for purposes of the prohibitions in E.O. 12036 and HR [REDACTED] "electronic surveillance" is not considered to include circumstances where any party has consented to the monitoring of a telephone conversation. As is explained further on in that paragraph, this is consistent with the law governing such surveillance in a domestic law enforcement context. Further, by the very terms of the E.O. 12036 definition which is incorporated verbatim in this paragraph, "electronic surveillance" for these purposes only includes "acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication." (Emphasis added)

d. The elaborative language following the definition of "physical surveillance" on pages 6 and 7 has been revised and shortened in response to your concern that it was too complex.

e. The elaborative sentences on page 10 which you highlighted and which related to the Agency's authority and ability to request and assist appropriate electronic surveillance within the U.S. represented an attempt, albeit convoluted, to explain applicable limitations on this activity and cross-reference other relevant provisions. A further effort has been made to consolidate simplify, and clarify this portion of the regulation.

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f. The provision of paragraph (n) on page 18 as to which you have indicated some concern represents no



g. Your comment concerning paragraph (q) on page 19 has not been adopted in its entirety. Because this provision is a direct quotation from E.O. 12036, the reference to "this Order" must be changed to "Executive Order 12036" in order to be meaningful. However, addition of "regulation" here could have unforeseen adverse consequences since that change would bar CIA from lawfully requesting other entities to undertake activities which they may be perfectly free and legally authorized to accomplish but which CIA has determined to bar itself by regulation from undertaking. For example, under paragraph (d) on page 29, CIA has determined it will not undertake any analysis project specifically involving collection of information regarding foreign economic activities of U.S. corporations. If "regulation" is added to paragraph (q) on page 19, this could be read to prohibit you or CIA from requesting such analysis by or from the Department of Energy, Commerce, Agriculture, or other entities which may not have adopted this policy.

h. You did not make any specific remarks as to pages 20 and 21 which are included in your list of comments. However, the provisions on those two pages have been reviewed and represent appropriate guidance as to the extent and nature of permissible CIA relationships with law enforcement authorities.

i. Similarly, the provision on pages 22 and 23 as to which you made reference but no specific comment are intended to provide reasonable guidance concerning potentially sensitive activities, i.e., the handling of improperly acquired information concerning U.S. persons, and assisting DOD activities either involving U.S. persons or conducted within the U.S.

j. You are correct in noting that the reference to "Sections 1-811 and 1-813" in paragraph (b)(1) on page 27 is incomplete and should indicate those provisions are in E.O. 12036.

k. On page 29 you indicated concern as to whether paragraph (c) included polygraph authority for contractor personnel. That paragraph includes "individuals being considered for or holding security clearances or approvals" and this language is intended to extend this authority to contractor employees.

l. As you suggested, a general summary of the relevant portions of HR [REDACTED] has been added in paragraph (3) on page 31 following the reference to that regulation.

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m. You should note that, as a result of a request for guidance from [REDACTED] it has become evident that the portion of this regulation governing [REDACTED] is overly narrow. Accordingly, paragraph (j) on pages 32 and 33 has been revised to allow collection of information from publicly available sources concerning at least the same categories of U.S. persons as are not protected from clandestine collection under Section 2-208 of Executive Order 12036. In addition, paragraph (i) on page 32 has been modified in similar fashion to indicate with more precision that it is Section 2-208 of the Executive Order which also governs the categories of U.S. persons as to whom collection requirement lists may be maintained.

n. Your final concern centered on whether your signature was required as to the regulation, with annexes attached, or as to both the regulation and the annexes. Since the annexes are an integral part of the regulation and are incorporated by reference in it, your approval should extend to both the regulation and the annexes. It is my understanding that this will be accomplished with an overall approval sheet rather than a signature line in the revision itself.

3. Recommendation: It is recommended that you approve this revision unless further questions come to mind as you review the revision once again.

STATINTL

[REDACTED]
for Anthony A. Lapham

Orig. - DCI (for return to RCB
via DDA)
1 - DDA Chrono
1 - DDCI
1 - ER
1 - OGC
1 - AI/DDA
1 - RCB
1 - DCI
1 - DDA Subject

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Approved For Release 2001/09/01 : CIA-RDP81-00142R000300020006-4

ROUTING AND RECORD SHEET

78-17143

STATINTL

SUBJECT: (Optional)

Proposed Revision of HR [REDACTED] Restrictions on Intelligence Activities (Job # 510)

FROM: John F. Blake
Deputy Director for Administration
7D24 Hqs.

EXTENSION

5454

NO.

DATE

DD/A Registry

78-17143

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

STATINTL

1 DDCI

2

3 DCI

4

5 DDA

6

7 DDA Registry

8

9 RCB BU-2 Amber

The attached revision of H [REDACTED] containing 37 pages and its attached five annexes: B (1 page), B-1 (3 pages), C (3 pages), D (2 pages), and E (3 pages) are forwarded for your approval.

DD/A Registry
File 04M-1

[REDACTED] and its attached annexes are hereby approved.

STATINTL

15 SEP 1978

/s/ Stansfield Turner

Date

Stansfield Turner
Director

Distribution:

Orig PRS - DCI w/att (& return to RCB via DDA)

1 - DCI w/o att

1 - DDCI w/o att

1 - ER w/att

1 - OGC w/att

1 - RCB w/o att

✓ 1 - DDA Subject w/att

1 - DDA Chrono w/att

1 - AI Chrono w/o att

RCB (28 Aug 78)

STATINTL

MANAGEMENT

HR [REDACTED]

1. RESTRICTIONS ON INTELLIGENCE ACTIVITIES

SYNOPSIS: This regulation implements the provisions of Executive Order 12036 that impose various restrictions on the intelligence activities of the Agency, particularly with regard to activities involving United States persons. The regulation also includes Agency policies regarding, among other things, the conduct of security investigations, relations between the Agency and other governmental entities, and relationships between the Agency and members of the U.S. news media, U.S. clergy, the U.S. academic community, and employees of the Congress.

a. GENERAL

(1) The intelligence activities of the United States, including the activities of the Agency and the Office of the Director, are restricted by various provisions of law and, in particular, Executive Order 12036 (43 Fed. Reg. 3674, 26 January 1978), particularly Section 2. Provisions of the Executive Order which are quoted in this regulation are indicated by italics. Nothing in these portions of the Executive Order or this regulation is intended to authorize any activity not otherwise authorized or to provide exemption from any more restrictive statute, Presidential directive, Executive order, or regulation. Unless otherwise specified, the provisions of this regulation apply to activities of both the Agency and the Office of the Director whether inside or outside the United States. References to law are to the Constitution and applicable laws of the United States. This regulation will

not be amended without the approval of the Director or the Deputy Director of Central Intelligence.

(2) No activity or action shall be authorized which would intentionally, or reasonably would be expected to, abridge the Constitutional or legal rights of U.S. persons, whether in the United States or abroad.

(3) To ensure that all activities are in compliance with the law, Deputy Directors and Heads of Independent Offices shall consult with the Office of General Counsel on all activities whose legality is not clearly established. The General Counsel shall have access to all information necessary to perform the duties of that office (see HR [REDACTED])

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(4) The Inspector General is authorized to review all activities and shall have access to all information necessary to perform the duties of that office (see HR [REDACTED]).

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(5) Any activities or proposed activities that may raise questions of compliance with law, Executive order, or regulation, or that may otherwise appear improper, will be brought directly to the attention of the Director.

(6) Any employee who has knowledge of past, current, or proposed CIA activities that might be construed to be illegal, improper, questionable, or not authorized by applicable law, Presidential directive, Executive order, or regulation, or who believes that instructions received in any way appear to be illegal, improper, or questionable, shall inform the Director or Inspector General immediately.

(7) Information, allegations, and complaints of possible violations of Federal criminal law by CIA employees or any other person shall be reported immediately by any employee to the Inspector General, who shall inform the General Counsel. The Inspector General shall provide to the General Counsel an evaluation of the impact, if any, of a prosecution of such a violation on the national security or foreign relations of the United States, including intelligence operations which may be jeopardized or intelligence sources and methods which may be compromised. Pursuant to 28 U.S.C. 535 and Section 1-706 of Executive Order 12036, evidence of possible violations of Federal criminal law shall be reported expeditiously to the Attorney General by the General Counsel in accordance with procedures and guidelines adopted by the Attorney General. Cases involving breaches of security shall be reported to the Director of Security, who shall inform the General Counsel of serious or continuing breaches. The General Counsel shall, in compliance with Section 1-707 of Executive Order 12036, recommend to the Attorney General that such cases be referred to the FBI for further investigation. (Required procedures and guidelines will be included as Annex F at such time as they have been developed and approved.)

(8) The provisions of any previously published regulatory issuance inconsistent with the provisions of this regulation are superseded.

b. DEFINITIONS. For the purpose of this regulation, and except as may be provided in the annexes to this regulation, the following terms shall have these meanings.

(1) 'Communications security' means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

(2) 'Counterintelligence' means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

(3) 'Electronic Surveillance' means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter. The monitoring of a telephone conversation with the consent of one party does not constitute electronic surveillance under this definition. This is consistent with Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Also, the recording of an ordinary oral conversation

by someone who can be seen by both parties to it, and is in reasonably close proximity to the parties and therefore can reasonably be expected to overhear it, does not constitute electronic surveillance.

(4) 'Employee' means persons employed by, assigned to, or acting for the Agency and the Office of the Director, except as otherwise defined in the annexes to this regulation.

(5) 'Foreign Intelligence' means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(6) 'Intelligence' means foreign intelligence and counterintelligence.

(7) 'Intelligence Community' and 'agency' or 'agencies within the Intelligence Community' refer to the following organizations:

- (a) The Central Intelligence Agency (CIA);
- (b) The National Security Agency (NSA);
- (c) The Defense Intelligence Agency;
- (d) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (e) The Bureau of Intelligence and Research of the Department of State;

(f) The intelligence elements of the military services, the Federal Bureau of Investigation (FBI), the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration (DEA); and

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(g) The staff elements of the Office of the Director of Central Intelligence (see HR [REDACTED])

(8) 'International terrorist activities' means any activity or activities which:

(a) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; and

(b) appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(c) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

(9) 'Physical surveillance' means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a

nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons. The definition of physical surveillance refers primarily to systematic observation of an individual designed to determine all of his regular daily activities. The unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat refers primarily to a situation where a person hides in a room to overhear what persons in the room are saying.

(10) 'Special activities' means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

(11) 'United States,' when used to describe a place, includes the territories of the United States.

(12) 'United States person' means:

- (a) A citizen of the United States;
- (b) An alien lawfully admitted for permanent residence;
- (c) An unincorporated association organized in the United States or substantially composed of United States citizens or aliens lawfully admitted for permanent residence;
- or
- (d) A corporation incorporated in the United States.

c. POLICY

(1) RESTRICTIONS ON COLLECTION

(a) General Provisions

(1) The activities described in paragraphs (b) through (s) below shall be undertaken only as permitted by this regulation and, where required, by procedures established by the Director and approved by the Attorney General. Those procedures shall protect constitutional rights and privacy, ensure that information is gathered by the least intrusive means possible, and limit use of such information to lawful governmental purposes.

(2) Activities described in paragraphs (b) through (e) for which a warrant would be required if undertaken for law enforcement rather than intelligence purposes shall not be undertaken against a United States person without a judicial warrant, unless the President has authorized the

type of activity involved and the Attorney General has both approved the particular activity and determined that there is probable cause to believe that the United States person is an agent of a foreign power.

(b) Electronic Surveillance. The CIA may not engage in any electronic surveillance within the United States. No agency within the Intelligence Community shall engage in any electronic surveillance directed against a United States person abroad or designed to intercept a communication sent from, or intended for receipt within, the United States, except as permitted by the procedures established pursuant to paragraph (1)(a). Training of personnel by agencies in the Intelligence Community in the use of electronic communications equipment, testing by such agencies of such equipment, and the use of measures to determine the existence and capability of electronic surveillance equipment being used unlawfully shall not be prohibited and shall also be governed by such procedures. Such activities shall be limited in scope and duration to those necessary to carry out the training, testing or countermeasures purpose. No information derived from communications intercepted in the course of such training, testing or use of countermeasures may be retained or used for any other purpose. (See classified Annex B for required procedures concerning electronic surveillance, and Annex B-1 concerning training and testing in this area, which shall remain in effect until such time as

final procedures for electronic surveillance, testing, and audio countermeasures activities are developed under paragraph c(1)(a).) CIA may request other agencies with authority to do so to conduct electronic surveillance within the U.S. for legitimate foreign intelligence or counterintelligence purposes, and CIA may aid such agencies in the conduct of electronic surveillance within the U.S. for foreign intelligence or counterintelligence purposes, through the provision of technical assistance and expert personnel, provided OGC is consulted prior to requesting such surveillance or furnishing such assistance or personnel.

(c) Television Cameras and Other Monitoring. No agency within the Intelligence Community shall use any electronic or mechanical device surreptitiously and continuously to monitor any person within the United States, or any United States person abroad, except as permitted by the procedures established pursuant to paragraph c(1)(a).

(Required procedures will be included as Annex G at such time as they have been established and approved.) In the interim, OGC must be consulted prior to initiating any such activity.

(d) Unconsented Physical Searches. No agency within the Intelligence Community except the FBI may conduct any unconsented physical searches within the United States. All such searches conducted by the FBI, as well as all such searches conducted by any agency within the Intelligence Community outside the United States and directed against United States persons, shall be undertaken only as permitted by procedures established pursuant to paragraph c(1)(a).

(See classified Annex C for required procedures which shall remain in effect until such time as revised under paragraph c(1)(a). In the interim, OGC must be consulted prior to initiating any such activity.)

(e) Mail Surveillance. No agency within the Intelligence Community shall open mail or examine envelopes in United States postal channels, except in accordance with applicable statutes and regulations. No agency within the Intelligence Community shall open mail of a United States person abroad except as permitted by procedures established pursuant to paragraph c(1)(a). The opening of mail of a U.S. person abroad constitutes an unconsented physical search directed at that person and is limited as in (d) above. To the extent CIA may need mail cover information from within U.S. postal channels in furtherance of its legitimate activities, it shall make appropriate requests to the FBI. (Required procedures will be included as Annex H at such time as they have been established and approved.

In the interim, OGC must be consulted prior to initiating any such activity.)

(f) Physical Surveillance. The FBI may conduct physical surveillance directed against United States persons or others only in the course of a lawful investigation. Other agencies within the Intelligence Community may not undertake any physical surveillance directed against a United States person unless (see Annex A for required procedures which shall remain in effect until such time as revised under paragraph c(1)(a)):

(1) The surveillance is conducted outside the United States and the person being surveilled is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities, or engaging in narcotics production or trafficking; provided, however, that such surveillance directed against U.S. persons reasonably believed to be engaged in international narcotics activities abroad is subject to the limitations set forth in paragraph c(3)(c) below.

(2) The surveillance is conducted solely for the purpose of identifying a person who is in contact with someone who is the subject of a foreign intelligence or counterintelligence investigation; or

(3) That person is being surveilled for the purpose of protecting foreign intelligence and counterintelligence sources and methods from unauthorized disclosure or is the

subject of a lawful counterintelligence, personnel, physical or communications security investigation.

(4) No surveillance under paragraph (3) above may be conducted within the United States unless the person being surveilled is a present employee, intelligence agency contractor or employee of such a contractor, or is a military person employed by a non-intelligence element of a military service. Outside the United States such surveillance may also be conducted against a former employee, intelligence agency contractor or employee of a contractor or a civilian person employed by a non-intelligence element of an agency within the Intelligence Community. A person who is in contact with such a present or former employee or contractor may also be surveilled, but only to the extent necessary to identify that person.

(g) Undisclosed Participation in Domestic Organizations.

No employees may join, or otherwise participate in, any organization within the United States on behalf of any agency within the Intelligence Community without disclosing their intelligence affiliation to appropriate officials of the organization, except as permitted by procedures established pursuant to paragraph c(1)(a). (Required procedures will be included as Annex I at such time as they have been established and approved.) Such procedures shall provide for disclosure of such affiliation in all cases unless the agency head or a designee approved by the Attorney General finds that non-

disclosure is essential to achieving lawful purposes, and that finding is subject to review by the Attorney General.

Those procedures shall further limit undisclosed participation to cases where:

- (1) The participation is undertaken on behalf of the FBI in the course of a lawful investigation;
- (2) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power; or
- (3) The participation is strictly limited in its nature, scope and duration to that necessary for other lawful purposes relating to foreign intelligence and is a type of participation approved by the Attorney General and set forth in a public document. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members.

(h) Collection of Nonpublicly Available Information.

No agency within the Intelligence Community may collect, disseminate or store information concerning the activities of United States persons that is not available publicly, unless it does so with their consent or as permitted by procedures established pursuant to paragraph c(1)(a). The means by which such information is collected must conform to the restrictions stated elsewhere in this regulation and its annexes. (Required procedures will be included as Annex J

at such time as they have been established and approved.)

Those procedures shall limit collection, storage or dissemination to the following types of information:

(1) Information concerning corporations or other commercial organizations or activities that constitutes foreign intelligence or counterintelligence;

(2) Information arising out of a lawful counter-intelligence or personnel, physical or communications security investigation;

(3) Information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting, which is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure (see paragraph c(4)(b));

(4) Information needed solely to identify individuals in contact with those persons described in paragraph (3) or with someone who is the subject of a lawful foreign intelligence or counterintelligence investigation;

(5) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons;

(6) Information constituting foreign intelligence or counterintelligence gathered abroad or from electronic

surveillance conducted in compliance with paragraph c(1)(b) or from cooperating sources in the United States;

(7) Information about a person who is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities or narcotics production or trafficking, or endangering the safety of a person protected by the United States Secret Service or the Department of State. (This exception is limited by paragraphs c(1)(r) and (s), c(2), c(3)(c), and c(4) of this regulation and the appropriate annexes.)

(8) Information acquired by overhead reconnaissance not directed at specific United States persons;

(9) Information concerning United States persons abroad that is obtained in response to requests from the Department of State for support of its consular responsibilities relating to the welfare of those persons; or

(10) Information concerning persons or activities that pose a clear threat to any facility or personnel of an agency within the Intelligence Community. Such information may be retained only by the agency threatened and, if appropriate, by the United States Secret Service and the FBI.

(i) Foreign Intelligence. CIA is authorized by Section 1-801 of Executive Order 12036 to collect foreign intelligence, including information not otherwise obtainable,

within the U.S. in coordination with the FBI as required by procedures established by the Director and approved by the Attorney General. (Required procedures will be included as Annex K at such time as they have been established and approved.)

(j) Tax Information. No agency within the Intelligence Community shall examine tax returns or tax information except as permitted by applicable law. All requests for such information will be forwarded to OGC after approval by the appropriate Deputy Director. OGC will process such requests in accordance with the Internal Revenue Code and U.S. Treasury regulations.

(k) Restrictions on Experimentation. No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health, Education and Welfare. The subject's informed consent shall be documented as required by those guidelines, and no experiment on a subject who has given informed consent shall be undertaken without the specific approval of the Director.

(l) Not used.

(m) Restrictions on Contracting. No agency within the Intelligence Community shall enter into a contract or arrangement for the provision of goods or services with private companies or institutions in the United States unless the agency sponsorship is known to the appropriate

officials of the company or institution. In the case of any company or institution other than an academic institution, intelligence agency sponsorship may be concealed where it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for authorized intelligence purposes. (Required procedures will be included as Annex L at such time as they have been established and approved.)

(n) Restrictions on Personnel Assigned to Other Agencies. An employee detailed to another agency within the federal government shall be responsible to the host agency and shall not report to the parent agency on the affairs of the host agency unless so directed by the host agency. The head of the host agency, and any successor, shall be informed of the employee's relationship with the parent agency. In accordance with HR [REDACTED], CIA personnel assigned to other Government agencies for cover purposes, and liaison officers, are not considered to be "detailed" to the other agency involved.

(o) Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

(p) Restrictions on Special Activities. No component of the United States Government except an agency

within the Intelligence Community may conduct any special activity. Only CIA (or the military services in wartime) may conduct special activities, except where the President determines, with the advice of the Special Coordination Committee of the National Security Council that another agency is more likely to achieve a particular objective. Special activities must be approved in accordance with Section 1-302 of Executive Order 12036.

(q) Restrictions on Indirect Participation in Prohibited Activities. No agency of the Intelligence Community shall request or otherwise encourage, directly or indirectly, any person, organization, or government agency to undertake activities forbidden by Executive Order 12036 or by applicable law.

(r) Restrictions on Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community other than the FBI shall not, except as expressly authorized by law:

(1) Provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration (or its successor agencies) or to state or local police organizations of the United States; or

(2) Participate in or fund any law enforcement activity within the United States.

(s) Permissible Assistance to Law Enforcement Authorities. The restrictions in paragraph (r) shall not preclude:

(1) Cooperation with appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of any agency within the Intelligence Community;

(2) Participation in law enforcement activities, in accordance with law and this regulation, to investigate or prevent clandestine intelligence activities by foreign powers, international narcotics production and trafficking, or international terrorist activities;

(3) Provision of specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be governed by procedures approved by the Attorney General; (Required procedures will be included as Annex M at such time as they have been established and approved.)

(4) The following relationships to support legitimate activities:

(a) LEAA assistance may be requested through the Office of Security for evaluative information on equipment and techniques with respect to terrorist problems.

(b) Contact may be maintained with and assistance sought from State and local police organizations in the course of normal background and security investigations, for the protection of Intelligence Community personnel and

installations, and in connection with other permissible activities.

→ (c) Contact also may be maintained with police department bomb squads to observe their techniques in identifying, handling, and disarming terrorist bombs and to discuss technical aspects of countering explosive devices. The purpose will be to obtain information on bomb handling and not to train the local police departments.

→ (d) Attendance may be authorized, in accordance with paragraph c(1)(g) above, at explosive ordnance disposal conferences and similar briefings or seminars to keep abreast of new developments in terrorist techniques and countermeasures.

→ (e) It is appropriate to have individual relationships with State and local police organizations for cooperation in training employees in the United States preparatory to their assignment abroad. It should be clearly indicated that this is a training relationship, and no operational assistance will be given to police organizations in the course of training personnel.

└ (2) PERMISSIBLE DISSEMINATION AND STORAGE OF INFORMATION. Nothing in paragraphs c(1)(a) through (s) shall prohibit:

└ (a) Dissemination to appropriate law enforcement agencies of information which indicates involvement in activities that may violate federal, state, local or foreign laws;

(b) Storage of information required by law to be retained;

(c) Dissemination of information covered by paragraphs c(1)(h)(1)-(10) to agencies within the Intelligence Community or entities of cooperating foreign governments;

(d) Lawful storage or dissemination of information solely for administrative purposes not related to intelligence or security; or

(e) Dissemination of foreign intelligence and foreign counterintelligence information directly to the interested Federal agency. Dissemination of such information beneficial to State and local law enforcement agencies or LEAP will be made only through the FBI.

Any question as to whether information concerning United States persons conforms to that permitted to be collected by paragraph c(1)(h) above or E.O. 12036 shall be referred to the Office of General Counsel. Access to information on United States persons determined by the Office of General Counsel to be in violation of paragraph c(1)(h) or E.O. 12036, as well as access pending legal review, will be permitted only to the extent necessary to meet the requirements of the Freedom of Information Act, the Privacy Act, other law, court orders, or investigations by the Inspector General, the Department of Justice, or the Congress. Each Deputy Director or Head of Independent Office concerned, with concurrence by the Office of General Counsel, will develop

procedures for access to such information. Requests for authority to dispose of such information will be processed through the Agency Records Management Officer and the Office of General Counsel.

~~SECRET~~ (3) RELATIONS WITH FEDERAL, STATE, AND LOCAL AGENCIES

(a) General. Each Deputy Director and Head of Independent Office is responsible for the legality and propriety of all agreements, arrangements, and practices within that official's jurisdiction in support of or in cooperation with State, local, or other Federal agencies, or private organizations. (See Annex E for procedures regarding approval of assistance to or from Government components; except that procedures for obtaining approval of assistance to Department of Defense intelligence elements are prescribed in paragraph (b) below, and assistance of CIA expert personnel is governed by paragraphs c(1)(b) and c(1)(s)(3) of this regulation.

(b) Support to Department of Defense (DoD) Intelligence Elements. CIA is authorized to furnish technical guidance, training, equipment, and similar assistance to DoD intelligence elements related to their appropriate foreign intelligence and counterintelligence responsibilities provided the appropriate Deputy Director approves, and, when U.S. persons are involved, the Office of General Counsel concurs. Such

assistance also may be provided to U.S.-based DOD counter-intelligence operations that are directed against foreign intelligence targets, provided such assistance has been approved by the Deputy Director for Operations with the concurrence of the Office of General Counsel and is approved in accordance with the procedures specified in Annex D.

(c) Narcotics Intelligence

(1) Section 1-803 of Executive Order 12036 provides that the Central Intelligence Agency shall collect, produce, and disseminate intelligence on foreign aspects of narcotics production and trafficking. Under Section 2-206(a), Executive Order 12036, CIA may conduct physical surveillance of a U.S. person abroad who is reasonably believed to be . . . engaging in narcotics production or trafficking (see Annex A for required procedures). Such surveillance may be undertaken for the purpose of acquiring intelligence information about international narcotics production and trafficking. It may not be undertaken solely for the purpose of acquiring information to be used in a criminal prosecution in the U.S. of a U.S. person or a foreign national. Apart from physical surveillances authorized under this regulation, no other technical collection operations relating to international narcotics production and trafficking shall be directed at U.S. persons abroad.

(2) CIA may provide technical equipment for overseas operations of DEA as approved by the Deputy Director for Operations. CIA will not provide any support to DEA

domestic operations, except that CIA may give to DEA technical briefings unrelated to any pending investigation in the United States. Technical equipment for DEA operations abroad may be provided only under the following conditions:

- (a) The equipment is not operated by CIA personnel.
- (b) The request for support is accompanied by full explanation of the planned use of the equipment and of the authority under which it will be used.
- (c) The request is approved by the Deputy Director for Operations with the concurrence of the Office of General Counsel.
- (d) Participation in Interagency Domestic Intelligence Discussions. Participation in any interagency discussions on domestic intelligence will be restricted to the provision of foreign intelligence that might bear upon the matters being considered.

STATINTL



- (f) Relations with the U.S. Postal Service. CIA may provide technical assistance, such as briefings concerning letter bombs, to the U.S. Postal Service in accordance with this regulation.

(g) Relations with the U.S. Secret Service. CIA may provide assistance to the U.S. Secret Service in the performance of its protective duties in accordance with Public Law 90-331 dated 6 June 1968, which authorizes such assistance from other Government agencies. In addition, other normal liaison relationships may be maintained between CIA and the Secret Service.

(h) Relations with the Immigration and Naturalization Service. The entrance into or departure from the United States of non-U.S. persons under the sponsorship of CIA will be conducted in accordance with normal Immigration and Naturalization Service procedures or as provided for either in Section 7 of the CIA Act of 1949, as amended (50 U.S.C. 403h), or in the agreement between the Immigration and Naturalization Service and the CIA dated 10 February 1955.

STATINTL



(4) PROVISIONS RELATING TO OTHER ACTIVITIES

(a) Counterintelligence Activities. CIA is authorized to engage in counterintelligence activities in conformity with requirements of law and National Security

Council directives, subject to the restrictions in this and other pertinent Agency regulations.

(1) With respect to counterintelligence activities in the United States, CIA may conduct such activities only in coordination with the FBI and subject to the approval of the Attorney General. (See Annex D for required procedures which shall remain in effect until they are revised.)

(2) With respect to counterintelligence activities conducted abroad, CIA operations directed specifically at United States persons will conform to this regulation and will be coordinated with the FBI and other Federal agencies as appropriate.

(b) Investigations of U.S. Persons for Security Suitability. As used in this paragraph, the term "investigation" means the deliberate and systematic collection or acquisition of information about a selected individual or entity for the purpose of determining security suitability or reliability.

(1) Sections 1-811 and 1-813 of Executive Order 12036 recognize that investigations of applicants, employees, contractors, and other persons with similar associations with the CIA and the Office of the Director shall be conducted as necessary to protect the security of CIA installations, activities, information, and personnel.

(2) Subject to all other applicable limitations, including the restrictions established by E.O. 12036, such investigations of U.S. persons are prohibited unless:

(a) The investigation will involve no more than:
(i) lawful Federal, State, or local Government or other records checks; and (ii) inquiries solely for the purpose of establishing or confirming identity or commercial reliability.

(b) The investigation will result in only the acquisition of publicly available information;

(c) The subject is an employee, military or civilian detailee, or independent contractor of the Agency and is witting of his or her status as such;

(d) The subject is performing or has offered or agreed to perform services for the Agency, whether compensated or uncompensated, and is witting that such services are or will be performed for the Agency;

(e) Subject is an Agency contractor or subcontractor under an Agency contract, or an employee of such contractor or subcontractor who will require a security approval to perform work on or in connection with a classified contract, provided that the contractor, subcontractor, or employee thereof, as the case may be, is witting that the contract or work being performed is for either the Agency or the U.S. Government;

(f) The subject is a person for whom security approval has been requested for either unescorted access to Agency facilities or access to classified Agency information or documents; or

(g) The subject has expressly consented to the investigation or has otherwise been informed or has knowledge that inquiries will be made without voicing an objection.

(3) Until further guidelines and procedures for investigations of U.S. persons are developed and approved by the Attorney General as part of Agency procedures on collection of information on U.S. persons (Section 2-208, E.O. 12036), any investigation of a U.S. person other than as permitted above shall require the concurrence of the General Counsel.

(4) The use of any specialized techniques in investigations pursuant to this paragraph shall be in accordance with any restrictions or procedures otherwise applicable to those techniques.

(c) Polygraphing of United States Persons. Internal polygraphing programs authorize polygraph examinations of U.S. persons and are restricted to applicants, employees, individuals being considered for or holding security clearances or approvals, or other persons involved in operations. Polygraph examinations of other U.S. persons will be conducted only with their consent and only with the prior written approval of the Director.

(d) Foreign Economic Activities of U.S. Persons. Except as provided in this paragraph, no operational or analysis project will be undertaken specifically to collect information regarding the foreign economic activities of a

U.S. person. This restriction does not preclude studies of foreign economic activities that include analyses of the roles of U.S. firms, for example: foreign demand for U.S. grain; U.S. technology transfer to the USSR; foreign discrimination against U.S. firms; and studies evaluating the importance of the U.S. in worldwide economic activities, such as shipping and energy. To the extent that information on the economic activities of U.S. persons abroad is incidentally acquired from sources other than electronic surveillance in the course of CIA's normal foreign intelligence activities, and is significant to other U.S. agencies, it may be forwarded to such agencies with the approval of the appropriate Deputy Director or a designee as long as it conforms to the restrictions governing the collection, storage, and dissemination of information provided in c(1)(h) above. Information acquired from electronic surveillance activities is subject to the restrictions in Annex B.

(e) Cover

(1) Cover and proprietary arrangements established, coordinated with, and arranged by the Central Cover Staff are appropriate support for the performance of authorized functions and are authorized specifically in Section 1-812 of E.O. 12036. Such cover and proprietary arrangements will be based upon a clear justification concerning their relationship to and support of these functions.

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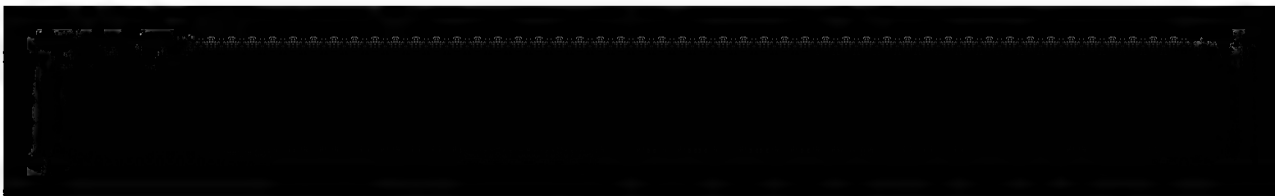
→ (g) Domestic Events. All Deputy Directors shall exhibit particular sensitivity to the possible coincidence between training, testing, operational, or support activities and significant domestic political or other events which the unwitting observer could interpret as improper activity. This refers particularly to political conventions, the activities of dissident groups, etc., in which cases activities should be terminated, relocated, or suspended temporarily.

→ (h) Support to the White House Office. Any support requested by or extended to the White House Office, excluding the production and dissemination of foreign intelligence, must have the prior approval of the Director.

└ (i) Watchlists. No list of U.S. persons shall be maintained for collection requirement purposes unless such persons have been designated as of interest to CIA under one or more of the categories included in paragraph c(1)(h) and such designation has been coordinated with OGC, except for maintenance of identification lists necessary to ensure compliance with applicable restrictions regarding the acquisition of information concerning U.S. persons.

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(k) Journalists and Staff of U.S. News Media
Organizations

(1) Policy. The special status afforded the press under the Constitution necessitates a careful policy of self-restraint in regard to relations with U.S. news media organizations and personnel. Accordingly, neither the Agency nor the Office of the Director will:

(a) Enter into any relationships with full-time or part-time journalists (including so-called "stringers") accredited by a U.S. news service, newspaper, periodical, radio, or television network or station, for the purpose of conducting any intelligence activities. The term "accredited" means any full- or part-time employee of U.S. or foreign nationality who is formally authorized by contract or by the issuance of press credentials to represent himself or herself either in the U.S. or abroad as a correspondent for a U.S. news media organization or who is officially recognized by a foreign government to represent a U.S. news media organization.

(b) Without the specific, express approval of senior management of the organization concerned, enter into any relationships with nonjournalist staff employees of any U.S. news media organization for the purpose of conducting any intelligence activities.

(c) Use the name or facilities of any U.S. news media organization to provide cover for any Agency employees or activities.

(2) Limitations

(a) The policies set forth above are not designed to inhibit open relationships with journalists (as for example contracts to perform translating services or to lecture at training courses) which are entered into for reasons unrelated to such persons' affiliation with a particular news media organization. Willingness on both sides to acknowledge the fact and nature of the relationship is the essential characteristic of the open relationships which will be entered into with journalists under this provision.

(b) In addition, no person, including full-time or part-time accredited journalists and stringers, will be denied the opportunity to furnish information which may be useful to the U.S. Government. Therefore, unpaid relationships with journalists or other members of U.S. news media organizations who voluntarily maintain contact for the purpose of providing information on matters of foreign intelligence or foreign counterintelligence interest to the U.S. Government will continue to be permitted.

(c) Likewise, regular liaison with representatives of the news media will continue to be maintained, through the Office of the Assistant for Public Affairs to the Director,

(c) Use the name or facilities of any U.S. news media organization to provide cover for any Agency employees or activities.

(2) Limitations

(a) The policies set forth above are not designed to inhibit open relationships with journalists (as for example contracts to perform translating services or to lecture at training courses) which are entered into for reasons unrelated to such persons' affiliation with a particular news media organization. Willingness on both sides to acknowledge the fact and nature of the relationship is the essential characteristic of the open relationships which will be entered into with journalists under this provision.

(b) In addition, no person, including full-time or part-time accredited journalists and stringers, will be denied the opportunity to furnish information which may be useful to the U.S. Government. Therefore, unpaid relationships with journalists or other members of U.S. news media organizations who voluntarily maintain contact for the purpose of providing information on matters of foreign intelligence or foreign counterintelligence interest to the U.S. Government will continue to be permitted.

(c) Likewise, regular liaison with representatives of the news media will continue to be maintained, through the Office of the Assistant for Public Affairs to the Director,

to acknowledge the fact and nature of the relationship is the essential characteristic of the open arrangements that are permitted by this regulation. Information volunteered by American clergy or missionaries will continue to be welcomed. If, in the determination of the Deputy Director for Operations, such individuals might possess important foreign intelligence information or be in a position to assist the Agency, contact may be initiated to afford an opportunity for channeling this information to the Government.

(n) Academic Community. Classified and unclassified contracts and other arrangements with United States academic institutions of higher learning may be entered into as long as senior management officials of the institution concerned are made aware of CIA's sponsorship (see paragraph c(1)(m)).

Personal services contracts and other continuing relationships may be entered into with individual full-time staff and faculty members of such institutions but in each case it will be suggested that the individual advise an appropriate senior official thereof of this relationship, unless security considerations preclude such a disclosure or the individual objects to making any third party aware of this relationship. No operational use will be made either in the United States or abroad of staff and faculty members of United States academic institutions on an unwitting basis. Employees will not represent themselves falsely as employees of United States academic institutions. Personnel wishing to teach or

lecture at an academic institution as an outside activity must disclose their CIA affiliation to appropriate academic authorities; all such arrangements require approval in advance in accordance with HR [REDACTED] Pursuant to Federal law, copies of identifiable school records relating to any student (regardless of citizenship) attending a United States academic institution will be neither solicited nor received without the express authorization of the student or, if the student is below the age of 18, the student's parents. For a detailed explanation of the policies and procedures outlined above, see HHB [REDACTED]

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(o) Employees of Members of Congress and Congressional Committees. Employees of members of the United States Congress and of Committees, including Subcommittees, of the United States Congress shall not be used for intelligence purposes, including providing foreign intelligence information collected at the request of CIA or performing operational services, but not including activities associated with ordinary legislative operations, without the approval of the member in the case of an employee of a member, or the Committee or Subcommittee Chairman in the case of an employee of a Committee or Subcommittee.

MANAGEMENT

25X1A

HR [REDACTED]

PROCEDURES RELATING TO ELECTRONIC SURVEILLANCE

Electronic surveillance procedures* approved by the Attorney General are:

1. CIA shall not engage in electronic surveillance within the United States, except in the testing of electronic surveillance equipment or training of CIA personnel in the use of such equipment in accordance with procedures outlined in Annex B-1 of this regulation.

2. CIA shall not itself or by request to foreign officials intentionally direct or have directed electronic surveillance against United States persons abroad except pursuant to prior express approval of the Attorney General. Provided, that when in emergency situations the time required to secure the prior approval of the Attorney General would cause failure or delay in obtaining foreign intelligence or counterintelligence and such failure or delay would result in substantial harm to the national security, senior CIA officials overseas, designated in writing by the Director of Central Intelligence, may authorize emergency electronic surveillance directed against a United States person abroad if there is reasonable cause to believe that the United States person against whom the surveillance is directed is an agent of a foreign power or foreign

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terrorist group; that the facilities or premises at which the surveillance is directed are used or about to be used by such person; and that the information sought is foreign intelligence or counterintelligence which cannot reasonably be obtained in a less intrusive manner. The Attorney General shall immediately be notified of any emergency electronic surveillance; under no circumstances shall an emergency electronic surveillance continue longer than 72 hours without specific Attorney General approval.'

3. 'Requests to the Attorney General for approval of electronic surveillance directed against United States persons abroad shall be made by the DCI, or Deputy DCI if the DCI delegates this authority to him, and shall provide facts and circumstances relating to the proposed electronic surveillance. These shall include the facts and circumstances supporting a reasonable cause to believe that the person against whom the surveillance is directed is an agent of a foreign power or foreign terrorist group; that the facilities or premises at which the surveillance is directed are used or about to be used by such person; and that the information sought is foreign intelligence or counterintelligence which cannot reasonably be obtained in a less intrusive manner. Attorney General approval may be for a period not to exceed 90 days, but extensions may be granted upon proper showing.'

4. ''The only information retained or disclosed by CIA from electronic surveillance directed against United States persons abroad pursuant to these procedures shall be foreign intelligence or counterintelligence except that other information, incidentally gathered, indicating involvement in activities which may be in violation of law may be disclosed to appropriate law enforcement agencies.''

5. ''The acquisition of communications carried by International Lines of Communication, National Diplomatic Nets, or the domestic public communications systems of foreign nations is governed by procedures approved by the Attorney General on 19 October 1976.''

6. In addition, all surveillance regulated by these procedures must also conform to the requirements of Presidential Directive NSC-19 (25 August 1977).

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* ''These procedures shall apply to all forms of 'electronic surveillance,' as defined in Section [4-203] of Executive Order [12036], that are conducted by CIA abroad, except for the acquisition of communications carried by International Lines of Communication, National Diplomatic Nets, or the domestic public communications systems of foreign nations. The acquisition of these latter types of communications is governed by [procedures approved by the Attorney General on 19 October 1976.] With the above exception, the definitions of Section [4-203] of Executive Order [12036] shall apply to these procedures. [Neither Executive Order [12036] nor these procedures prohibit the use by CIA in the United States of audio countermeasures in the manner described in the Director of Security's memorandum of 1 June 1976.'']

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MANAGEMENT

HR [REDACTED]

INTERIM PROCEDURES RELATING TO ELECTRONIC SURVEILLANCE
TRAINING AND TESTING

1. The training of CIA personnel in the use of electronic communications equipment or the testing of such equipment is permitted if:

- a. Such activities do not involve the aural acquisition of communications;
- b. Such activities are directed against laboratory-generated signals, official Government communications (where consent by the originating agency or a communicant is obtained), or public broadcasts; or
- c. Such activities are directed against live signals environments abroad or environments recorded abroad so long as existing procedures governing electronic surveillance or the procedures of paragraph 2 are satisfied.

2. Where it is not reasonable to train individuals in the use of electronic communications equipment or to test such equipment solely as described in paragraph 1, such activities may be directed against live signals environments in the United States if:

- a. Such activities are conducted at such intermittent intervals as to keep the acquisition of the substance of a communication to the minimum feasible and are limited in

scope and duration to that necessary to train CIA personnel in the use of electronic communications equipment and to determine the capability and performance of equipment;

b. No particular communication is intentionally intercepted in its entirety or for any longer than necessary to confirm that it has been acquired;

c. No communications of a particular person are intentionally targeted without that person's consent;

d. No training or testing of electronic communications equipment exceeds thirty days, provided that, for the purpose of this limitation, the time period shall include only the cumulative total of the time during which the equipment was operated and directed against live signals environments, and provided further, that testing may be renewed if approved pursuant to paragraph 3; and

e. No information derived from communications intercepted in the course of such training or testing is retained or disclosed to any person other than a person directly participating in such activity, and any printout or other recording is destroyed immediately upon completion of the activity.

3. No training of CIA personnel in the use of electronic communications equipment or the testing of such equipment by CIA or its contractors of such equipment against live signals environments in the United States will be

conducted without the prior written approval of the Deputy Director for Operations or the Deputy Director for Science and Technology, as may be appropriate, and the concurrence of the General Counsel and the Attorney General based on their determination that the particular training or testing program conforms to the requirements of these procedures and is otherwise lawful and necessary.

4. All questions as to the coverage and interpretation of these procedures will be resolved by the General Counsel in consultation, where necessary, with the Department of Justice. The General Counsel shall have access to all information necessary to implement his responsibilities under these procedures upon the express approval of the Attorney General.

* Electronic communications equipment means any equipment capable of undetected interception of electronic or oral communications, except when such equipment is used solely to intercept communications on broadcast, citizens, or amateur bands provided that, except for intercepts of public broadcasts, there is no divulging of the contents of any such communication to any other person.

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MANAGEMENT

HR [REDACTED]

PROCEDURES RELATING TO UNCONSENTED PHYSICAL SEARCHES

ABROAD

Procedures* approved by the Attorney General relating to unconsented physical searches abroad are:

1. 'The phrase 'unconsented physical search' means a physical intrusion upon or search of a person or the person's property or possessions for purposes other than placing an electronic surveillance device, without the knowledge or consent of the person or, in the case of property or possessions, of another individual who has authority to consent to such a search.'
2. 'Except as hereinafter provided, no unconsented physical searches of the persons or property or possessions of United States persons will be conducted abroad by CIA without the prior express approval of the Attorney General. No force or violence against any United States person or threat thereof shall be used to effect any unconsented physical search. Request for approval of an unconsented physical search will be made by the DCI or Deputy DCI, if the DCI delegates this authority to him, and shall provide facts and circumstances relating to the proposed unconsented physical search. These shall include the facts and circumstances supporting a reasonable cause to believe that the United

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States person at whom or at whose property or possessions the search is directed is an agent of a foreign power or foreign terrorist group; the facts and circumstances relating to any intrusion which might occur upon the property or possessions of any other person; and the facts and circumstances supporting a reasonable cause to believe that the information sought is foreign intelligence or counterintelligence which cannot reasonably be obtained in a less intrusive manner."

3. "The only information from unconsented physical searches directed against United States persons abroad retained or disclosed by CIA shall be foreign intelligence or counterintelligence, except that other information, incidentally gathered, indicating involvement in activities which may be in violation of law may be disclosed to appropriate law enforcement agencies."

4. "When, in emergency situations, the time required to secure the prior approval of the Attorney General would cause failure or delay in obtaining foreign intelligence or counterintelligence and such failure or delay would result in substantial harm to the national security, senior CIA officials abroad, designated in writing by the Director of Central Intelligence, may authorize an unconsented physical search to be directed against a United States person abroad, or against the property or possessions of such a person, who there is reasonable cause to believe is an agent of a foreign

power or foreign terrorist group. The Attorney General shall immediately be notified of any emergency search, the circumstances surrounding its authorization, and the results thereof. Searches conducted pursuant to any such emergency authorization are otherwise subject to the procedures outlined herein.''

5. ''Nothing in these procedures shall be taken as restricting whatever lawful authority CIA officers and employees may have, in common with all other citizens or persons, to take emergency action to protect a person whose life or safety is in immediate danger.''

6. In addition, all searches regulated by these procedures must also conform to the requirements of Presidential Directive NSC-19 (25 August 1977).

* ''The definitions of Section [4-2], Executive Order [12036], shall apply to these procedures.''

STATINTL

MANAGEMENT

HR [REDACTED]

PROCEDURES RELATING TO COUNTERINTELLIGENCE ACTIVITIES
IN THE UNITED STATES

1. Procedures approved by the Attorney General relating to CIA counterintelligence procedures are:

a. "CIA may request the Attorney General to approve CIA counterintelligence activities, in coordination with the FBI, within the United States. Such request shall be forwarded through the FBI and shall include: the target of the counterintelligence activity to be conducted by CIA; the information or object which is sought to be obtained or accomplished; the reasons why the CIA rather than the FBI should conduct the activities; and the views of CIA as to why the National Security Act of 1947 does not prohibit such activity in the United States. The FBI shall submit such requests to the Attorney General with its comments and recommendations."

b. "Any FBI request for CIA participation in counterintelligence activity conducted by the FBI shall be submitted to the Director of Central Intelligence. If approved by him, the process for Attorney General approval set forth above will then be followed."

2. Any request from DoD for assistance in U.S.-based counterintelligence operations directed against foreign intelligence targets must be approved in accordance with paragraph c(3)(b) of this regulation and be coordinated with the FBI and approved by the Attorney General in accordance with paragraph 1a of this Annex.

STATINTL

MANAGEMENT

HR [REDACTED]

REQUIRED PROCEDURES REGARDING ASSISTANCE TO OR
FROM OTHER GOVERNMENT COMPONENTS

1. Responsible Agency officials may approve a request for assistance to or from another government component in the following circumstances, consistent with this regulation, Executive Order 12036, and other applicable law, order, directive, or regulation:

a. Activities in which CIA is explicitly authorized to engage by Executive Order 12036, NSCID's, DCID's, or paragraphs 1c(3)(b) through (h) of this regulation.

b. Third agency dissemination.

c. Preparation or dissemination of information analyses or reports concerning foreign phenomena and foreign personalities.

d. Security clearances and related information under Executive Orders 10450 and 10865.

e. Employment references.

2. A request for any other type of assistance (whether administrative, financial, logistical, operational, or intelligence support) shall be forwarded by responsible officials to their Deputy Director or Head of Independent Office for approval, accompanied by the following information:

a. A description of the activity and the assistance requested.

- b. The anticipated duration and frequency of the assistance.
 - c. All organizations involved in the activity.
 - d. The rationale for the activity and the assistance.
 - e. All anticipated Agency financial and manpower requirements.
 - f. The Agency official to be contacted for further information and the Agency official responsible for the performance of the activity or the assistance.
 - g. The concurrence of the Director of Finance when the assistance involves an Agency financial commitment or the advance, reimbursement, receipt, or expenditure of funds.
3. Deputy Directors and Heads of Independent Offices may approve a request for assistance so long as there is precedent for it, it is of a type determined previously to be legal and proper, and it has no serious policy or resource implications such as:
- a. Establishing significant new policies or suggesting the desirability of new policies.
 - b. Requiring reports to, or approval from, the Office of Management and Budget.
 - c. Conflicting or overlapping with agreements with other U.S. Government agencies.
 - d. Involving complex, sensitive, or important matters which should be made known to the Director of

Central Intelligence.

e. Requiring reprogramming or reallocation of funds.

f. Conflicting with the spirit of existing law or policy even though technically appropriate.

4. Requests for assistance which have no precedent, have not previously been determined to be legal and proper, or have serious policy or resource implications shall be forwarded by Deputy Directors and Heads of Independent Offices to the Office of General Counsel for consideration.

STATINTL

Memorandum For The Record:

FROM: [REDACTED]

SUBJECT: Comments on DCI Changes to HR [REDACTED]

1. Re Page 3 - Deletion of the qualifying phrase "serious or continuing" in this reference to breaches of security could lead to routine reporting of all security violations to OGC. It would serve no purpose to have every "open safe" violation brought to the attention of the General Counsel. Only those cases giving rise to suspicion of intentional security breaches (vs. human carelessness) should go to OGC.

2. Re: page 19 - The language of subparagraph (9) is a direct quotation from EO 12036. The Director's desire to include reference to "this regulation" will have to be accommodated in a slightly different manner, perhaps by adding after the italicized quotation the unitalicized words "or by this implementing regulation."

3. Re Page 29 - I assume "individuals being considered for or holding security clearances or approvals" include Contractor personnel, but defer to OGC and OS.

4. Regarding the DCI's question on signature. I would suggest we provide an approval sheet on which he signs once and thus approves the basic regulation and each of the new annexes (specified).

DD/A Form 1
178-6124-11

4 AUG 1978

Executive Registry
178-6124-11

OGC 78-5367
8-1-78

MEMORANDUM FOR: Director of Central Intelligence
VIA: Deputy Director of Central Intelligence
FROM: John F. Blake
Deputy Director for Administration
SUBJECT: Approval of HR [REDACTED]

STATINTL

STATINTL

1. Action Requested: Approval of the attached revision of HR [REDACTED]
Restrictions on Intelligence Activities.

2. Background:

STATINTL

a. The proposed revision of HR [REDACTED] is resubmitted with a synopsis at the beginning. The synopsis will be in bold face type when printed. Addition of the synopsis has permitted us to abbreviate paragraph a(1) slightly.

b. Concerning your question whether overhead reconnaissance may be mentioned in an unclassified regulation, the reference on page 16 of the attached revision was taken directly from section 2-208(h) of Executive Order 12036.

STATINTL

STATINTL

c. Recommendation: That you sign the attached revision of HR [REDACTED]

11 AUG 1978

ooc - OK?
Bottom page 4-?
Mid - page 7-?
Top " 10-?
Mid " 15-?
Mid " 20-21?
Attachment: a/s
22
23
31

[REDACTED]

John F. Blake

Note changes.

page 3
page 7 - needs rewrite -
too old

page 19 -
page 29 - 7
page 27 - ?
page 31

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ROUTING AND RECORD SHEET

STATINTL

SUBJECT: (Optional) Proposed Revisions to HR [REDACTED] Restrictions on Intelligence Activities (Job #8510)

FROM: John F. Blake
Deputy Director for Administration
7D-24, Hqs.

EXTENSION

NO.

5454

ER 78-9776

DATE

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS. (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

DDCI

7/31/78

8/1/78

JL

2.

3.

DCI

8/1

2 AUG 1978

12/2/78

SIGNATURE

5.

DDA
AI

8/2/78

2 AUG 1978

6.

DDA Registry

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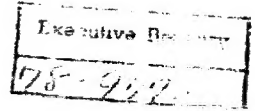
13.

14.

15.

1. Page 16 - cancel
mention "overhead
rec" in unless

2. Also add a
Synopsis that
beginning
C.T.



MEMORANDUM FOR: Director of Central Intelligence
VIA: Deputy Director of Central Intelligence
FROM: John F. Blake
Deputy Director for Administration
SUBJECT: Approval of HR [REDACTED]

STATINTL

STATINTL

1. Action Requested: Approval of the attached revision of HR [REDACTED]
Restrictions on Intelligence Activities.

2. Background:

SUMMARY
INTRODUCTION?
a. With the issuance of Executive Order 12036, a new version of HR [REDACTED], articulating various restrictions on CIA's activities, became necessary. The attached revision, prepared by the Office of General Counsel, has been fully coordinated within the Agency. It is one of the regulations which requires the signature of the DCI rather than someone exercising delegated authority.

STATINTL

b. As noted in the text, some of the annexes are from the old regulation and are to be used until we obtain Attorney General approval for replacement annexes.

c. The appearance of the regulation requires some explanation. To facilitate publication the text is in double-spaced ETECS (Electronic Text Editing System) format, which can be read by an optical character reader. The red marks are instructions to the ETECS operator to insert brackets and asterisks where these are required and to convert the underlined portions to italics. The marginal arrows indicate where the text has been changed.

STATINTL

3. Recommendation: That you sign the attached revision of HR [REDACTED]

[REDACTED]
John F. Blake

STATINTL

Attachment: a/s

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Approved For Release 2001/09/01 : CIA-RDP81-00142R000300020006-4

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Proposed Revisions to HR [REDACTED]		STATINTL	
FROM: John F. Blake Deputy Director for Administration 7D 24 Hqs		EXTENSION 5454	NO. ER 78-9776/1 DATE
TO: (Officer designation, room number, and building)	DATE RECEIVED FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Director of Central Intelligence 7D 5607 Hqs	REC'd 4 August 1978	[initials]	
3. Deputy Director for Administration 7D 24 Hqs			
5. Regulations Control Branch			
6. <i>Gen Counsel</i>	8-11-78		
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

SIGNATURE

11 AUG 1978

1. I'd like oco general approval plus ✓ of specific items noted
2. No make changes noted
3. Do I really sign at Annex E? or basic Regulation (plus annexes?)

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